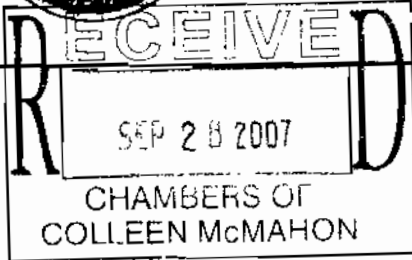




MEMO ENDORSED

U.S. Department of Justice

*United States Attorney
Southern District of New York*

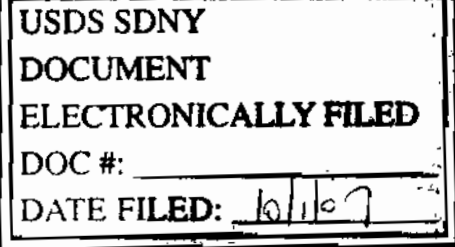


*86 Chambers Street, 3d Floor
New York, New York 10007*

September 28, 2007

By Facsimile – (212) 805-6326

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007



Re: Li, et al. v. Chertoff, et al., 07 Civ. 6875 (CM) (JF)

Dear Judge McMahon:

With the consent of plaintiffs' counsel, I write respectfully to request a two-week extension of the Government's time to answer or otherwise respond to the complaint for writ of mandamus in this lawsuit challenging delay in the adjudication of an application by plaintiff Yun Fei Li ("Li") for adjustment of status. The Government's response is currently due on October 1, 2007, and the Government had anticipated filing a motion to dismiss at that time. However, on September 27, 2007, U.S. Citizenship and Immigration Services ("CIS") issued a "Notice of Intention to Deny" the application of plaintiff Cindy Bin Chen ("Chen") for an I-130 relating to Li. The Notice affords plaintiffs until October 30, 2007 to offer evidence in opposition to the grounds stated in the Notice before CIS makes its determination.

The Government believes that CIS's adjudication will likely moot plaintiffs' claims challenging the delay in the adjudication of Li's adjustment application. As a result, the parties may soon be able to arrive at a mutually agreeable stipulation and proposed order dismissing this action. If the parties are unable to arrive at a mutually agreeable stipulation within the next two weeks, the Government will respond to the complaint by a motion to dismiss pursuant to Rule 12(b)(1). The parties request this two-week extension to allow the parties to arrive a stipulation setting the case. If the request is granted, the Government's new deadline will be October 15, 2007; no other scheduled dates will be affected. This is the Government's first request for an extension of time in this matter. Plaintiff consents to this request for extension.

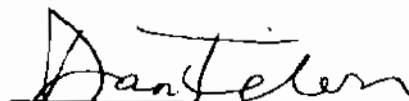
9/28/07
granted
[Signature]

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



DANIEL P. FILOR
Assistant United States Attorney
Tel.: (212) 637-2726
Fax: (212) 637-2717

cc: Thomas V. Massucci, Esq. (by e-mail)
Counsel for Plaintiff